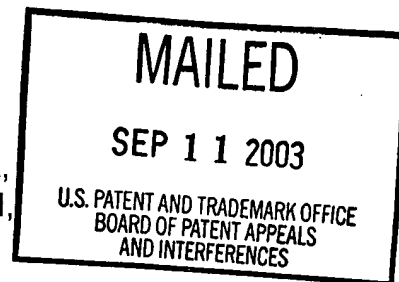The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 22

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte GLEN BOUCHER, TERRI A. CARROLL,
JACQUES E. HASBANI, KENNETH KARBOWSKI,
and EDWARD M. RAUH

Appeal No. 2002-0378
Application No. 08/942,264

ON BRIEF

Before KRASS, FLEMING, and DIXON, **Administrative Patent Judges**.

DIXON, **Administrative Patent Judge**.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1-10,

which are all of the claims pending in this application.

We AFFIRM-IN-PART.

BACKGROUND

Appellants' invention relates to a method and system for changing rating data via internet or modem in a carrier management system. An understanding of the invention can be derived from a reading of exemplary claim 1, which is reproduced below.

1.　　In a carrier management system comprising a client data processing system and a host data processing system, a method of updating a set of data objects within a Data Access System (DAS), comprising the steps of:

(a)　　initiating a communication link between said client data processing system and said host data processing system;

(b)　　uploading a set of object tables from said client data processing system to said host data processing system;

(c)　　reading said set of object tables at said host data processing system;

(d)　　determining which data objects in said set of object tables is to be updated and further determining which data objects in said set of object tables is to be maintained;

(e)　　constructing a new set of object tables, at said host data processing system;

(f)　　transmitting said new set of object tables from said host data processing system to said client data processing system;

(g)　　verifying accurate receipt of said new set of object tables at said client data processing system; and

(h)　　restarting said client data processing system.

The prior art of record relied upon by the examiner in rejecting the appealed

claims is as follows:

Carroll et al. (Carroll)	5,293,310	Mar. 8, 1994
Owens et al. (Owens)	6,047,267	Apr. 4, 2000
		(Filed May 14, 1992)

Claims 1-10 stand rejected under 35 U.S.C. § 103 as being unpatentable over

Carroll in view of Owens.

Rather than reiterate the conflicting viewpoints advanced by the examiner and

appellants regarding the above-noted rejections, we make reference to the examiner's

rejection (Paper No. 11, mailed Jun. 7, 2000) and the examiner's answer (Paper No.

21, mailed Aug. 13, 2001) for the examiner's reasoning in support of the rejections, and

to appellants' brief (Paper No. 20, filed Jun. 4, 2001) for appellants' arguments

thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to

appellants' specification and claims, to the applied prior art references, and to the

respective positions articulated by appellants and the examiner. As a consequence of

our review, we make the determinations which follow.

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At the outset, we note, that appellants have elected to group all the claims as standing or falling together. (See brief at page 9.) Appellants address independent claim 1 which recites specific method steps rather than the apparatus of independent claim 6. In fairness to appellants, we will address each of the independent claims and the arguments advanced by appellants.

The examiner begins the rejection by addressing claim 6 which we find to be the broadest independent claim. We will also begin with this claim. At the outset, we note that the examiner has addressed the claimed invention, the prior art applied thereagainst and addressed the differences therebetween. Therefore, we find that the examiner has set forth a *prima facie* case of obviousness of the claimed invention. Therefore, the burden shifts to appellants to rebut this *prima facie* case. Here we note that appellants rely upon the arguments made with respect to independent claim 1, but we note that claim 6 does not set forth the specific steps recited in the method of independent claim 1.

The examiner maintains that Carroll teaches the same process as appellants' claims with the exception of the use of an object oriented environment. (See rejection at pages 2-3 and answer at page 4.) While we agree with the examiner that Carroll teaches the general process and Owens clearly teaches and suggests the benefits of the use of an object oriented environment, we do not find that Carroll teaches all

process of independent claim 1, but note that independent claim 6 merely recites a

Data Access System for storing and managing a plurality of object files which can be

accessed by the client processing system. Clearly, the combination of Carroll with the

objects of Owens would have taught this storage and management of the objects and a

communication means for transmitting a predetermined set of object files between the

host and the client to update the system of the client. Therefore, we find that appellants

have not rebutted the *prima facie* case of obviousness, and we will sustain the

rejection of independent claim 6 and its dependent claims 9 and 10.

With respect to independent claim 1, appellants argue that the examiner

addressed the results of the steps taken by Carroll to achieve an end result and does

not address the specific steps recited in the language of independent claim 1. (See

brief at page 12.) We agree with appellants. Appellants argue that the use of objects

was never taught or suggested by Carroll. (See brief at page 13.) We agree with

appellants, but note that the examiner relied upon the teaching of Owens to teach and

suggest the use of objects and an object oriented environment. Appellants argue that

object tables are different than the rate data of Carroll and that the object tables are

utilized for both their data content and the functionality they contain. We disagree with

appellants and find no limitation as to the use of functionality of the objects or the

content of the objects recited in independent claim 1. Therefore, this argument is not persuasive.

Appellants argue that Carroll never performed the step of uploading a set of object tables along with other steps as recited in claim 1. (See brief at pages 13-16.) We agree with appellants that the examiner has not addressed the lack of a teaching of this and other specific steps in the recited method. While we agree with the examiner that it would have been obvious to one of ordinary skill in the art to update the system of Carroll to incorporate the new and useful object oriented programming taught by Owens, we find no specific teachings or suggestion of the specific steps recited by independent claim 1, nor do we find any analysis or convincing line of reasoning by the examiner of why it would have been obvious to one of ordinary skill in the art to perform the recited steps in the manner claimed. Therefore, we will not sustain the rejection of independent claim 1 and its dependent claims 2-5, 7, and 8.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1-5, 7 and 8 under 35 U.S.C. § 103(a) is reversed, and the decision of the examiner to reject claims 6, 9, and 10 under 35 U.S.C. § 103(a) is affirmed.

No time period for taking any subsequent action in connection with this appeal

may be extended under 37 CFR § 1.136(a).

AFFIRMED-IN-PART

ERROL A. KRASS
Administrative Patent Judge

MICHAEL R. FLEMING
Administrative Patent Judge

JOSEPH L. DIXON
Administrative Patent Judge

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